

## **REMARKS**

### **I. Introduction**

Receipt is acknowledged of the Non-Final Office Action mailed March 18, 2004. Claims 37-57 are pending in the application. Applicants thank the Examiner for allowing claims 37-43, 46-49, and 52-53. Claims 44-45, 50-51, and 54-57 stand rejected. Claims 50 and 54-57 have been canceled. Claims 44 and 45 have been amended to correct several typos. Claim 51 has been amended to delete the word "pharmaceutical" and to correct several informalities. Support for amended claims 44 and 45 may be found at page 25, lines 14 and 19 of the specification and claims 8 and 9 as filed on November 29, 2001. No new matter has been added by these amendments.

### **II. Applicants' Response to the Examiner's Rejections**

#### **A. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 44, 45, 50, and 56 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner has alleged that it is not clear what is meant by the hyphen preceding the word "amino" in claims 44 and 45. In response, Applicants have amended claims 44 and 45 to recite " $\alpha$ -amino acid" and " $\omega$ -amino-(C<sub>2</sub>-C<sub>8</sub>)-alkylamide". The symbols " $\alpha$ " and " $\omega$ " were inadvertently left out of the Supplementary Preliminary Amendment filed March 1, 2002. Applicants have also replaced "CO-NHR<sup>4</sup>" with "-NHR<sup>4</sup>", as supported in the specification at page 25, line 19.

The Examiner has rejected claim 50 because the variable "E" is allegedly undefined, and it is unclear how to carry out the condensation when both "E" and "G" are both carboxyl. In response, Applicants have rendered this rejection moot by canceling claim 50.

The Examiner has rejected claim 56 because it is unclear which inflammatory responses may be intended by the phrase "inhibiting a VLA-dependent inflammatory response" and what are the corresponding manifestations of a successful inhibition. In response, Applicants have rendered this rejection moot by canceling claim 56. In view of these amendments, Applicants request that the Examiner withdraw these rejections.

**B. Rejections under 35 U.S.C. § 112, first paragraph**

The Examiner has rejected claims 51, 54-55, and 56-57 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art, that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner has alleged that claim 51 lacks enablement because the term "pharmaceutical" in claim 51 carries with it the implied assertion of therapeutic efficacy. In response, Applicants have rendered this rejection moot by deleting the term "pharmaceutical" in claim 51.

The Examiner has alleged that the term bronchoconstriction *per se* in claim 54 is not supported by the specification and that the term cytokine in claim 55 is not supported by the specification because it is not clear that the claimed compounds are effective to inhibit release of

cytokines from leukocytes. Applicants have rendered these rejections moot by canceling claims 54 and 55.

The Examiner has alleged that in claim 56 the phrase "inhibiting a VLA-dependent inflammatory response . . ." could be interpreted to mean that various biochemical processes which underlie the clinical manifestations of inflammation can be inhibited or that clinical manifestations of inflammation *per se* can be inhibited, which if true, would mean that the associated diseases could also be treated. The Examiner has alleged that in claim 57 there is no evidence to support the phrase "inhibiting tumor metastasis" by administering a VLA-4 antagonizing amount of a compound because as of November 1996, there was no evidence that VLA-4 antagonists could actually inhibit tumor metastasis. Applicants have rendered these rejections moot by canceling claims 56 and 57. In view of these amendments, Applicants request that the Examiner withdraw these rejections.

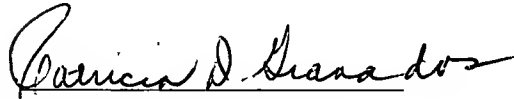
### **III. Conclusion**

In view of the above amendments and remarks, it is respectfully requested that the above-mentioned rejections under 35 USC § 112, first and second paragraphs be withdrawn and claims 44, 45, and 51 are in condition for allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issue.

Respectfully submitted,

Date: June 18, 2004

HELLER EHRMAN WHITE &  
MCAULIFFE LLP  
1666 K Street, N.W., Suite 300  
Washington, D.C. 20006-4004  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020  
**Customer No. 26633**

  
Patricia D. Granados  
Attorney for Applicant  
Reg. No.: 33,683